THIS IS THE <u>BEGINNING</u> OF ADMINISTRATIVE FINE CASE # 34/8





2019 HAR 27 AM II: 08 SENSITIVE

March 27, 2019

MEMORANDUM

TO:

The Commission

THROUGH:

Alec Palmer

Staff Director

FROM:

Patricia C. Orrock *PCO*

Chief Compliance Officer

Debbie Chacona DC
Assistant Staff Director
Reports Analysis Division

BY:

Kristin D. Roser Compliance Branch

SUBJECT:

Reason to Believe Recommendation -

Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to timely file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Minnesota 2018 12 Day Pre-Primary Report up to 48 hours before the August 14, 2018 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Klobuchar for Minnesota, represents a candidate who won the Primary Election. The committee is being referred for failing to timely file 48-hour notices for contributions totaling \$47,700.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not timely filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

- 1. Find reason to believe that Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$5,208 be assessed.
- 2. Send the appropriate letter.

Attachment

Contributions for Which a 48-Hour Notice Was Not Timely Received 1

AF 3618

Committee ID: C00431353

Committee Name: Klobuchar for Minnesota

Report Type: 2018 October Quarterly Report (07/26/2018 - 09/30/2018)

48-Hour Reporting Period: 07/26/18 - 08/11/18

en e	EDVARIE,	WWO INTE
RUDD, DAVID	7/30/18*	\$1,000.00
RATNER, MARY	7/31/18*	\$1,950.00
NAYLOR, JOHN	8/1/18*	\$2,250.00
POWELL JOBS, LAURENE POWELL	8/1/18*	\$2,700.00
POWELL JOBS, LAURENE POWELL	8/1/18*	\$2,700.00
BECKER, JAMES	8/2/18*	\$1,000.00
MARITZ, KRISTINE MEREDITH	8/3/18*	\$1,000.00
AMERICAN DENTAL PAC	8/7/18	\$2,500.00
AMERICAN POSTAL WORKERS UNION AFL-CIO	8/7/18	\$2,500.00
ASSOCIATION OF EQUIPMENT MANUFACTURERS PAC	8/7/18	\$1,000.00
CAPELLA EDUCATION COMPANY PAC	8/7/18	\$1,400.00
CAPELLA EDUCATION COMPANY PAC	8/7/18	\$2,600.00
CONLIN, JAN M	8/7/18	\$1,300.00
CONLIN, JAN M	8/7/18	\$1,700.00
CUTLER, KENNETH LANCE	8/7/18	\$2,700.00
ECOLAB INC. POLITICAL ACTION COMMITTEE	8/7/18	\$5,000.00
FEDEX CORPORATION POLITICAL ACTION COMMITTEE (FEDEXPAC)	8/7/18	\$1,000.00
INGRAM BARGE COMPANY POLITICAL ACTION COMMITTEE	8/7/18	\$1,000.00
NATIONAL MULTIFAMILY HOUSING COUNCIL POLITICAL ACTION COMMITTEE	8/7/18	\$1,000.00
SAARIO, TERRY T	8/7/18	\$1,000.00
STARKEY PAC	8/7/18	\$1,000.00
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY FEDERAL POLITICAL	8/7/18	\$1,000.00

¹ The Committee's faxed 48-hour notice for these contributions was received by the Secretary of the Senate's Office on 8/23/18 (Image 201808230200714263). However, in a Miscellaneous Electronic Document filed on 1/7/19, the Committee stated that it received a confirmation of the fax transmittal from eFax on 8/8/18 (Image 201901079143759693). The Committee attached this confirmation to the 48-hour notice filing.

ACTION COMMITTEE]	1
TCF PAC	8/7/18	\$2,000.00
UNITED MINE WORKERS OF AMERICA - COAL MINERS POLITICAL ACTION COMMITTEE	8/7/18	\$1,000.00
WALDRON, ROBERT FRANCIS	8/7/18	\$2,700.00
WELLS, JOHN	8/7/18	\$2,700.00
	=JOUAL	\$47,700,00

^{*} These contributions were received by the Committee from the conduit on 8/6/18.

Proposed Civil Money Penalty: \$5,208 ((3 Notices Not Timely Filed at \$146 each) + (10% of the Overall Contributions Not Timely Reported))

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	·
)	AF 3618
Reason to Believe Recommendation -)	•
Failure to File 48-Hour Notices under the)	
Administrative Fine Program: Klobuchar)	
for Minnesota and M. Brigid)	
McDonough, in her official capacity as)	
treasurer)	

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on April 04, 2019, the Commission decided

by a vote of 4-0 to take the following actions in AF 3618:

- Find reason to believe that Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$5,208 be assessed.
- 2. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

ate

Dayna C. Brown

Secretary and Clerk of the Commission



April 4, 2019

M. Brigid McDonough, in official capacity as Treasurer Klobuchar for Minnesota P.O. Box 4146
St. Paul, MN 55104

C00431353 AF#: 3618

Dear Ms. McDonough:

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, et seq. ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing the Federal Election Commission ("FEC") and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Klobuchar for Minnesota did not submit 48-Hour Notices for contributions of \$1,000 or more, received between July 26, 2018 and August 11, 2018, totaling \$47,700, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On April 4, 2019, the FEC found that there is Reason to Believe ("RTB") that Klobuchar for Minnesota and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$5,208. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. http://www.fec.gov/af/af.shtml. 11 CFR § 111.34. The amount of the civil money penalty is \$146 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$5,208 within forty (40) days of the finding, or by May 14, 2019.

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 14, 2019. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Id. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

1. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Klobuchar for Minnesota and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

2. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at http://www.fec.gov/af/af.shtml. If you have questions regarding the payment of the calculated civil money penalty, please contact Jamie Sikorsky in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

Ellen L. Weintraul

Ellen L. Weintraub

Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$5,208 for the Minnesota 2018 12 Day Pre-Primary Report 48-Hour Notification Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission P.O. Box 979058 St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Klobuchar for Minnesota

FEC ID#: C00431353

AF#: 3618

PAYMENT DUE DATE: May 14, 2019

PAYMENT AMOUNT DUE: \$5,208

Contributions for Which a 48-Hour Notice Was Not Timely Received 1

AF 3618

Committee ID: C00431353

Committee Name: Klobuchar for Minnesota

Report Type: 2018 October Quarterly Report (07/26/2018 - 09/30/2018)

48-Hour Reporting Period: 07/26/18 - 08/11/18

AGONIENTEDATORE	TDAVITE S	= 7.4.V (0).61.74 E
RUDD, DAVID	7/30/18*	\$1,000.00
RATNER, MARY	7/31/18*	\$1,950.00
NAYLOR, JOHN	8/1/18*	\$2,250.00
POWELL JOBS, LAURENE POWELL	8/1/18*	\$2,700.00
POWELL JOBS, LAURENE POWELL	8/1/18*	\$2,700.00
BECKER, JAMES	8/2/18*	\$1,000.00
MARITZ, KRISTINE MEREDITH	8/3/18*	\$1,000.00
AMERICAN DENTAL PAC	8/7/18	\$2,500.00
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ECOLAB INC. POLITICAL ACTION COMMITTEE	8/7/18	\$5,000.00
FEDEX CORPORATION POLITICAL ACTION COMMITTEE (FEDEXPAC)	8/7/18	\$1,000.00
INGRAM BARGE COMPANY POLITICAL ACTION COMMITTEE	8/7/18	\$1,000.00
NATIONAL MULTIFAMILY HOUSING COUNCIL POLITICAL ACTION COMMITTEE	8/7/18	\$1,000.00
SAARIO, TERRY T	8/7/18	\$1,000.00
STARKEY PAC	8/7/18	\$1,000.00

¹ The Committee's faxed 48-hour notice for these contributions was received by the Secretary of the Senate's Office on 8/23/18 (Image 201808230200714263). However, in a Miscellaneous Electronic Document filed on 1/7/19, the Committee stated that it received a confirmation of the fax transmittal from eFax on 8/8/18 (Image 201901079143759693). The Committee attached this confirmation to the 48-hour notice filing.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY FEDERAL POLITICAL ACTION COMMITTEE	8/7/18	\$1,000.00
TCF PAC	8/7/18	\$2,000.00
UNITED MINE WORKERS OF AMERICA - COAL MINERS POLITICAL ACTION COMMITTEE	8/7/18	\$1,000.00
WALDRON, ROBERT FRANCIS	8/7/18	\$2,700.00
WELLS, JOHN	8/7/18	\$2,700.00
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^{*} These contributions were received by the Committee from the conduit on 8/6/18.

Proposed Civil Money Penalty: \$5,208 ((3 Notices Not Timely Filed at \$146 each) + (10% of the Overall Contributions Not Timely Reported))

PERKINSCOIE

700 13th Street, NW
7019 MAY 14 PM 2: 2005-3960
Washington, D.C. 20005-3960

+1.202.654,6200 +1.202.654.6211 PerkinsCoie.com

May 14, 2019

Kate Sawyer Keane
KSKeane@perkinscoie.com
p. +1.202.434.1641
F. +1.202.654.9111

Federal Election Commission Office of Administrative Review 1050 First Street NE Washington, DC 20002

Re: AF # 3618

To Whom It May Concern:

THE NERAL COUNSEL

On behalf of Klobuchar for Minnesota (the "Committee") and M. Brigid McDonough, in her official capacity as Treasurer, this letter is submitted in response to the Commission's letter of April 4, 2019. The Commission found Reason To Believe ("RTB") that the Committee failed to report contributions in excess of \$1,000 that it had received during the pre-primary period within 48 hours or receipt. The facts indicate that the Committee prepared and faxed all required reports to the Secretary of the Senate in the required time frame. The Commission should promptly dismiss this matter.

I. Facts

Klobuchar for Minnesota was the principal campaign committee of Senator Amy Klobuchar, United States Senator from the state of Minnesota. Compliance consultant Rebecca Groen prepares and submits the Committee's Federal Election Commission ("FEC" or the "Commission") filings under the authorization of the Committee's treasurer, M. Brigid McDonough. Senator Klobuchar was a candidate for re-election to the Senate in the 2018 election. Her primary election was held on August 14, 2018. See Groen Affidavit.

Between July 26 and August 11, 2018 the Committee received 64 contributions of \$1,000 or more. Upon receiving each of these contributions, Ms. Groen entered the contribution and the required contributor information on FEC Form 6. She faxed each Form 6 contribution report to the Secretary of the Senate at (202) 224-1851 using the online fax service eFax. All of the contributions were reported within 48 hours of receipt. See Groen Affidavit; Attachment A.

On August 8, 2018, at approximately 3:00 p.m. EDT (19:00 GMT) Ms. Groen faxed a contribution report identifying 26 contributions over \$1,000 to the Office of the Secretary of the Senate. See id. Ms. Groen received an email confirmation from eFax that the fax was successfuly sent at 3:03 p.m. EDT (19:03 GMT). Id.

Ms. Groen had no reason to believe that the fax was not received by the Secretary of the Senate

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Federal Election Commission May 14, 2019 Page 2

on August 8, 2018. In addition to receiving email confirmation that the report had been successfully transmitted, Ms. Groen was not aware of there being any problem with eFax that would have prevented it from successfully delivering the 48-hour contribution report to the Secretary of the Senate. Indeed Ms. Groen used eFax to submit six other contribution reports to the Secretary of the Senate between July 26 and August 11, 2018, and all were timely received by the Secretary of the Senate and posted to the Commission website. To her knowledge, this report was delivered successfully as well. See Groen Affidavit.

On August 22, 2018, during the course of a routine review of the Committee's filings on the Commission website, Ms. Groen noticed that the 48-hour contribution report she had filed on August 8, 2018 had not been posted to the Commission website. Ms. Groen promptly contacted the Secretary of the Senate's office, sent them an email informing them that the report may be missing, and attached a copy of the original filing along with a copy of the email confirmation from eFax demonstrating the report had been timely transmitted on August 8, 2018. See Attachment B. The Secretary of the Senate's office responded by email on the morning of August 23, 2018, stating that they had accepted the copy of the original 48-hour contribution report that Ms. Groen had attached to her email, and would "process it with the proof of transmission information." Id. The 48-hour contribution report subsequently appeared onthe Commission website along with the eFax receipt, but with a filing date of August 23, 2018.

On December 2, 2018, the Commission sent the Committee and Ms. McDonough a Request For Additional Information ("RFAI") indicating that the Committee may have failed to timely file 48-hour contribution reports for 26 contributions in connection with the August 14, 2018 primary election. All of the contributions listed in the RFAI had been included in the report that Ms. Groen had faxed to the Secretary of the Senate on August 8, 2018 and that were posted on the Commission website on August 23, 2018. Ms. Groen responded to the RFAI on January 7, 2019 via electronic filing with a Form 99 Miscellaneous Report providing the explanation recounted above. Ms. Groen supplemented this response on January 29, 2019 with an additional Form 99 providing copies of the originial 48-hour contribution report and the email from eFax confirming transmission of the report on August 8, 2018.

On April 4, 2019, the Commission sent the Committee and Ms. McDonough a letter indicating the Commission had found that there was RTB that the Committee had failed to file 48-hour contribution reports for the August 14, 2018 primary election. All of the contributions listed in the Commission's finding had been included in the report that Ms. Groen faxed to the Secretary of the Senate on August 8, 2018. See Attachment A.

II. Legal Background

Until September 21, 2018, the Federal Election Campaign Act required the principal campaign committee of candidates for federal office to notify the Secretary of the Senate of any

144377498.2 Perkins Care LLP Federal Election Commission May 14, 2019 Page 3

contribution of \$1,000 or more received by the committee after the 20th day, but more than 48 hours before any election. 52 U.S.C. § 30104(a)(6)(A). Such notification must be made within 48 hours of the receipt of the contribution. *Id*.

A committee must assert at least one of the following grounds for challenging a RTB finding or proposed civil monetary penalty for a violation of this requirement: (1) the Commission's RTB finding is based on a factual error including, but not limited to, that the committee timely filed the report; (2) the Commission improperly calculated the civil monetary penalty; or (3) the committee (i) used best efforts to file in a timely manner in that the committee was prevented from filing in a timely manner by reasonably unforeseen circumstances that were beyond the control of the committee, and (ii) the committee filed no later than 24 hours after the end of these circumstances. 11 C.F.R. § 111.35(b).

With respect to the first prong of the "best efforts" defense, reasonably unforeseen circumstances include, but are not limited to, (1) a failure of Commission computers or Commission-provided software; (2) a widespread disruption of information transmissions over the Internet not caused by any failure of the Commission's or respondent's computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). They also include "delivery failures caused by mail/courier services." 72 Fed. Reg. 31,440. They do not include, however, failure of the committee's own computer, software, or Internet service. 11 C.F.R. § 111.35(d).

With respect to the second prong of the "best efforts" defense, that the committee files no later than 24 hours after the end of the unforeseen circumstances, the Commission has further explained that "[u]pon discovering the failure [to file], the Committee [must] promptly [take] all reasonable additional steps to expeditiously file any unfilled reports and correct any inaccurate reports." Statement of Policy Regarding Treasurers' Best Efforts to Obtain, Maintain, and Submit Information as Required by the Federal Election Campaign Act, 72 Fed. Reg. 31,438, 31,440 (June 7, 2007).

The "best efforts" defense is an objective test and employs a "reasonable person standard." 72 Fed. Reg. 14, 662, 14,664 (Mar. 29, 2007).

¹ On September 21, 2018 the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act of 2019 was enacted, which included a statutory provision making the FEC the official point of entry for all filings required under the Federal Election Campaign Act (FECA). See 52 U.S.C. § 30102(g); FEC Record, 'Senate committees must file with FEC and follow mandatory e-filing rules' (September 21, 2018) available at https://www.fec.gov/updates/senate-committees-must-file-fec-and-follow-mandatory-efiling-rules/.

Federal Election Commission May 14, 2019 Page 4

III. Legal Analysis

Because Senator Klobuchar's primary election was held on August 14, 2018, her principal campaign committee was required to report to the Secretary of the Senate all contributions of \$1,000 or more, received between July 26 and August 11, 2018, within 48 hours of receipt. The facts demonstrate that the Committee did just this—the proof of transmission from eFax confirms that Ms. Groen faxed the relevant 48-hour contribution report to the Secretary of the Senate on August 8, 2018, within the required 48-hour window—and that the Commission's RTB finding is therefore based on a factual error because the report was timely filed.

If the relevant 48-hour contribution report was *not* received by the Secretary of the Senate on August 8, this was caused by circumstances that were reasonably unforeseen and beyond the control of the Committee. After sending the 48-hour contribution report, Ms. Groen received email confirmation from eFax that the report had been successfully sent. She had not experienced any problems with eFax previously that might indicate that the service may not be working properly and all previous and subsequent reports transmitted to the Secretary of the Senate using eFax during the 2018 primary 48-hour reporting period were succesfully transmitted and timely received. Thus, if the relevant 48-hour contribution report was not successfully delivered to the Office of the Secretary of the Senate, it was not due to the failure of the Committee's computer, software, or internet service, but rather due to some other equipment or delivery failure. See 11 C.F.R. §§ 111.35(c), (d)(4). And, because Ms. Groen had every indication that eFax and the Secretary of the Senate's equipment was working properly, she could not have reasonably forseen that the report would not be received by the Secretary of the Senate.

The Committee has also met the second prong of the "best efforts" test by provding the Commission with the required information within 24 hours after the circumstances preventing disclosure were removed. 11 C.F.R. § 111.35(b)(3). On August 8, the Committee faxed the required report to the Secretary of the Senate in a timely manner. It had no reason to believe that the report may not have been received until Ms. Groen reviewed the Committee's filings on the Commission's website on August 22, 2018. As soon as the Committee became aware that the report may have not been received and, thus, the circumstance preventing disclosure was lifted, Ms. Groen immediately contacted the Secretary of the Senate to notify them that the report may be missing and provided evidence that the report had been timely transmitted. As a result, the report was filed with the Commission less than 24 hours later. In addition, the Committee timely responded to the RFAI explaining the circumstances of the filing and re-submitted the proof of its timely transmission. Through these actions the Committee "promptly took all reasonable additional steps to expeditiously file." 72 Fed. Reg. 31,440.

Federal Election Commission May 14, 2019 Page 5

IV. Conclusion

As described above, the Committee took all reasonable steps to timely file the relevant 48-hour contribution report as required by 52 U.S.C. § 30104(a)(6)(A). Either the Office of the Secretary of the Senate did receive the report on August 8, 2018, in which case the RTB finding is based on a factual error, or the Committee was prevented from filing in a timely manner by reasonably unforeseen circumstances that were beyond the control of the Committee and the Committee remediated the situation immediately after the end of these circumstances. Accordingly, the Commission should dismiss this matter immediately.

Very truly yours

Kate Sawyer Kcane Daniel B. Nudelman

Counsel to Klobuchar for Minnesota



FEDERAL ELECTION COMMISSION 999 E Street, NW Washington, DC 20463



2019 MAY 14 FH 12: 58 .

STATEMENT OF DESIGNATION OF COUNSEL Please use one form for each Respondent/Entity/Treasurer FAX (202) 219-3923

MUR # AF 3618	2019
NAME OF COUNSEL: Kate Sawyer Keane & Daniel Nudelman	
FIRM:Perkins Cole LLP	
ADDRESS: 700 Thirteenth St., N.W. Suite 60	
Washington, DC 20005	MAY 14 PH 2: 28
TELEPHONE- OFFICE (202) 654-62 95	•
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	and is
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Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation



FEDERAL ELECTION COMMISSION 999 E Street, NW Washington, DC 20463

HERAL COUNSEL

2019 MAY 14 PM 2: 28

STATEMENT OF DESIGNATION OF COUNSEL Please use one form for each Respondent/Entity/Treasurer FAX (202) 219-3923

MUR # AF 3618			
NAME OF COUNSEL:	Kate Sawyer	Keane & Dan	iel Nudelman
	Perkins Coi eLl		
ADDRESS:	700 Thirteenth St)
<u> </u>	Washington, DC	20005	
TELEPHON	IE- OFFICE	654-62 95	
	• •		www.perkinscoie.com
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Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation

Attachment B

MA DI ANN ONE

----- Forwarded message -----

From: Omorogieva, Erica (Secretary) < Erica Omorogieva@sec.senatc.gov>

Date: Thu, Aug 23, 2018 at 9:05 AM

Subject: RE: Question Regarding 48 Hour Notice Filing

To: Rebecca Groen <u>≤groen.becky@gmail.com></u>

Becky,

I have accepted the following 48-hour notice that you attached, and will process it with the proof of transmission information.

Erica

From: Rebecca Groen <u>≤groen.beckv@gmail.com></u>
Sent: Wednesday, August 22, 2018 3:36 PM

To: Omorogieva, Erica (Secretary) < Erica Omorogieva@sec.senate.gov>

Subject: Question Regarding 48 Hour Notice Filing

Hello, I am writing on behalf of Klobuchar for Minnesota, following up on a 48 hour notice filed by the committee on 8/8/2018. After reviewing the public documents available on the FEC website, it has come to our attention that this report may be missing. I have attached here the original filing, as well as the confirmation page from our efax service showing the date of transmission.

Please let me know if there is anything more I can do.

Sincerely,

Becky Groen

Becky Groen Campaign Compliance Solutions

Mobile: 612-281-4555

becky@compliancemn.com

Becky Groen
Campaign Compliance Solutions
Mobile: 612-281-4555
becky@compliancemn.com

Attachment A

CENERAL COUNSE

FAX COVER SHEET

TO Secretary of the Senate, Office of Public Records			
COMPANY			
FAXNUMBER	12022241851	·	
FROM	RebeccaGroen		
DATE	2018-08-08 18:58:07 GMT		
RE	48 Hour Notice	· · · · · · · · · · · · · · · · · · ·	

COVER MESSAGE

Attached please find the 48 hour notice form for Klobuchar for Minnesota, FEC ID C00431353

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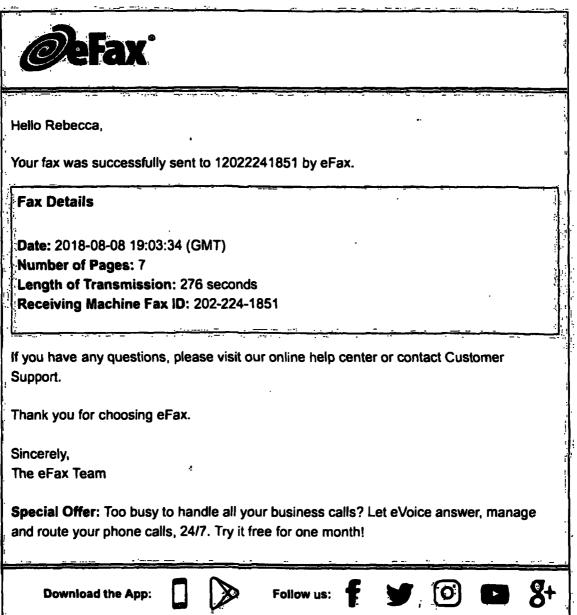


Rebecca Groen <groen.becky@gmail.com>

Successful transmission to 12022241851. Re: 48 Hour Notice

send@mail.efax.com <send@mail.efax.com> To: groen.becky@gmail.com

Wed, Aug 8, 2018 at 2:03 PM















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This account is subject to the terms listed in the eFax Customer Agreement.

BEFORE THE FEDERAL ELECTION COMMISSION

HERAL COUNSEL

2019 MAY 14 PM 2: 29

IN RE

Klobuchar for Minnesota

AF #3618

and

M. Brigid McDonough, as Treasurer

AFFIDAVIT OF REBECCA GROEN

- My name is Rebecca Groen. I am a compliance consultant for the Treasurer of Klobuchar for Minnesota, the principal campaign committee of United States Senator Amy Klobuchar during the 2018 election.
- 2. Senator Klobuchar was a candidate for re-election to the United States Senate in the 2018 election. Her primary election was held on August 14, 2018.
- 3. Between July 26, 2018 and August 11, 2018, Klobuchar for Minnesota received sixty-four contributions of \$1,000 or more. Twenty-six of these contributions are identified on Attachment 1 to the Commission's Reason to Believe letter dated April 4, 2019.
- 4. I reported each of these contributions on FEC Form 6 and used the online fax service eFax to transmit each Form 6 to the Secretary of the Senate at (202) 224-1851 within 48 hours of receiving each contribution.
- 5. At approximately 3:00pm EDT on August 8, 2018 I used eFax to transmit a Form 6 identifying the twenty six contributions referenced above to the Secretary of the Senate, and received an email from eFax at 3:03pm EDT confirming that the Form 6 had been successfully

transmitted. These documents are attached as "Attachment A."

- 6. I used eFax to transmit Form 6 48-hour contribution reports to the Secretary of the Senate both before and after August 8, 2018, including six other 48-hour contribution reports between July 26 and August 11, 2018. To my knowledge all were sent successfully to the Secretary of the Senate. I was not aware at the time, nor am I aware now, of any problem with the eFax service that would have prevented the August 8, 2018 Form 6 from being delivered to the Secretary of the Senate.
- 7. On August 22, 2018, during a routine review of Klobuchar for Minnesota's filings on the FEC's public website, I noticed that the Form 6 48-hour contribution report that I transmitted to the Secretary of the Senate on August 8, 2018 had not been posted to the Commission website. I contacted the Office Secretary of the Senate about the missing Form 6 report and emailed the Office a copy of the original filing of the report along with a copy of the email confirmation from eFax confirming that the report had been timely transmitted on August 8, 2018. The Office of the Secretary of the Senate responded by email on the morning of August 23, 2018, stating that they had accepted the copy of the original Form 6 attached to my email and that they would process it with the eFax email proof of transmission. This email correspondence is attached as "Attachment B."

I declare under penalties of perjury that the foregoing in true and correct to the best of my present knowledge, information and belief. Date 14this 12 day of May, 2019.

Rebecca Groen

July 10, 2019

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW ("OAR")

AF# 3618 - Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as Treasurer (C00431353)

Summary of Recommendation

Terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

Reason-to-Believe Background

In connection with the 2018 Minnesota Primary Election held on August 14, 2018, the respondents were required to file 48-Hour Notices of Contributions/Loans ("48-Hour Notices") for contributions of \$1,000 or more received between July 26, 2018 and August 11, 2018.

On April 4, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file a 48-Hour Notices for 26 contributions totaling \$47,700 and made a preliminary determination that the civil money penalty was \$5,208 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 4, 2019 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate for the office of U.S. Senator must notify the Secretary of the Senate, in writing, of any contribution of \$1,000 or more received after the 20th day but more than 48 hours before an election. The principal campaign committee must notify the Secretary of the Senate within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 52 U.S.C. § 30104(a)(6)(A) and 11 C.F.R. § 104.5(f). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 52 U.S.C. § 30102(g) and 11 C.F.R. § 105.2. The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

¹ Effective September 21, 2018, the Legislative Branch Appropriations Act, 2019, Public Law 115-244, sec. 102, 132 Stat. 2897, 2926 (2018) amended the FECA to require that all reports, designations, and statements required to be filed under FECA must be filed with the Commission.

Summary of Respondents' Challenge

On May 14, 2019, the Commission received the written response ("challenge") from the respondents' Counsel, which included supporting documentation and the Declaration of Rebecca Groen, the Committee's compliance consultant. Counsel states the Committee did timely submit the required 48-Hour Notice to the Secretary of the Senate's Office of Public Records ("OPR").

Counsel further explains that Ms. Groen timely submitted the 48-Hour Notice on August 8, 2018 via eFax² to OPR. Within minutes of transmitting the fax, Ms. Groen received an email from eFax confirming the fax was successfully sent. "Ms. Groen had no reason to believe the fax was not received by the Secretary of the Senate on August 8, 2018." Ms. Groen was not aware of any problems with eFax that would have prevented the submission. Further, Ms. Groen had successfully used eFax to submit 6 other 48-Hour Notices between July 26 and August 11, 2018, which were all delivered timely to OPR.

On August 22, 2018, Ms. Groen recognized the August 8 submission was not available on the Commission's website. She contacted OPR and submitted a copy of the original transmission with eFax confirmation. On August 23, 2018, OPR responded to Ms. Groen and indicated they would process the 48-Hour Notice with a filing date of August 23, 2018.

On December 2, 2018, the Commission sent a Request for Additional Information ("RFAI") regarding the contributions for which a 48-Hour Notice was not received. On January 7 and 29, 2019, the Committee filed responses explaining the circumstances.

Counsel states that the Commission's RTB finding is based on a factual error because the report was timely filed. Further, if OPR did not receive the submission on August 8, 2018...

...this was caused by circumstances that were reasonably unforeseen and beyond the control of the committee...[I]t was not due to the failure of the Committee's computer, software, or internet service, but rather due to some other equipment or delivery failure. And, because Ms. Groen had every indication that eFax and the Secretary of the Senate's equipment was working properly, she could not have reasonably forseen (sp) that the report would not be received by the Secretary of the Senate.

Counsel also notes that the Committee filed the report within 24 hours of becoming aware of the missing filing; therefore, it also met the second prong of the "best efforts" test.

Analysis

On December 2, 2018, RAD sent an RFAI to the Committee regarding the contributions for which a 48-Hour Notice was not timely received. On January 7, 2019, the Committee submitted a Form 99 (Miscellaneous Electronic Submission) in response to the RFAI. On January 29, 2019, the Committee submitted a Form 99 (Miscellaneous Text Submission) to provide supporting documentation. The Committee explained all contributions included in the

² eFax is an online fax service which allows its users to send and receive faxes via email, online portal, or mobile device, www.efax.com

RTB finding were included in its August 8, 2018 eFax transmission to OPR and provided the eFax confirmation email indicating this transmission was successfully delivered.

Prior to RTB, RAD requested OPR provide additional details regarding its receipt of the Committee's 48-Hour Notice in question. In response, OPR confirmed it did not receive the Committee's August 8, 2018 submission. OPR noted that it only received the Committee's emailed submission of the 48-Hour Notice, which it processed on August 23, 2018.

The Reviewing Officer notes that the Committee successfully used eFax to transmit 48-Hour Notices to OPR on July 29, July 31, August 2, and August 6, 2018. Therefore, the Reviewing Officer recognizes the Committee had no reason to believe there would be any transmission errors when using eFax to transmit the 48-Hour Notice on August 8, 2018.

The Reviewing Officer also notes that the eFax confirmation email indicates that Rebecca Groen's 7-page fax to 202-224-1851 was successfully sent on August 8, 2018. The Reviewing Officer confirms that 202-224-1851 was the correct fax number for submitting documents to OPR. In addition, the page count (7) aligns with the August 23, 2018 submission indicating the original submission included 6 pages of contributions on the 48-Hour Notice and 1 fax cover memo page. Therefore, the Reviewing Officer recognizes the Committee had no reason to believe the 48-Hour Notice was not successfully transmitted to OPR on August 8, 2018.

The supporting documents provided in the challenge and Declaration of Rebecca Groen suggest that all contributions included in the RTB finding were included in the Committee's August 8, 2018 transmission to OPR. There is a lack of evidence to suggest why the August 8, 2018 fax was not successfully delivered to and/or processed by OPR. Had this 48-Hour Notice been successfully delivered to and processed by OPR on August 8, 2018, the 48-Hour Notice covering the contributions in question would have been considered timely. Therefore, the Reviewing Officer recommends that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

OAR Recommendations

- 1. Terminate the proceedings in AF# 3618 that Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
- 2. Send the appropriate letter.

Attachments

Attachment 1 –

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

41,

- 1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
- 2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
- 3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Klobuchar for Minnesota:
 - A) Request for Additional Information for the Amended 2018 October Quarterly Report, dated December 2, 2018, referencing the missing 48-Hour Notices (sent via electronic mail to: info@amyklobuchar.com);
 - B) Reason-to-Believe Letter, dated April 4, 2019, referencing the missing 48-Hour Notices (sent via overnight mail to the address of record).
- 4. I hereby certify that I have searched the Commission's public records and find Klobuchar for Minnesota filed the missing 48-Hour Notices with the Commission on August 23, 2018.
- 5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 1st day of July, 2019.

Ben Woll, for KDR Kristin D. Roser

Chief, Compliance Branch Reports Analysis Division

Federal Election Commission



RQ-2

December 2, 2018

M BRIGID MCDONOUGH, TREASURER KLOBUCHAR FOR MINNESOTA PO BOX 4146 ST PAUL, MN 55104

Response Due Date 01/07/2019

IDENTIFICATION NUMBER: C00431353

REFERENCE: AMENDED OCTOBER QUARTERLY REPORT (07/26/2018 - 09/30/2018), RECEIVED 10/25/2018

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. Failure to adequately respond by the response date noted above could result in an audit or enforcement action. Additional information is needed for the following 1 item(s):

- Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions (to include loans, in-kind contributions, and advances) received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee

KLOBUCHAR FOR MINNESOTA

Page 2 of 2

will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For additional information about the report review process or specific filing information for your committee type, please visit http://transition.fec.gov/rad/. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1155.

Sincerely,

Vicki Davis

Senior Campaign Finance Analyst

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Reports Analysis Division

Missing 48-Hour Notices KLOBUCHAR FOR MINNESOTA (C00431353)

Contributor Name	Date	Amount	Election
Rudd, David		\$1,000.00	
Ratner, Mary	7/31/18	\$1,950.00	P2018
Naylor, John	8/1/18	\$2,250.00	G2018
Powell Jobs, Laurene Powell	8/1/18	\$2,700.00	P2018
Powell Jobs, Laurene Powell	8/1/18	\$2,700.00	G2018
Becker, James	8/2/18	\$1,000.00	P2018
Maritz, Kristine Meredith	8/3/18	\$1,000.00	G2018
American Dental PAC	8/7/18	\$2,500.00	P2018
AMERICAN POSTAL WORKERS UNION AFL-CIO	8/7/18	\$2,500.00	P2018
ASSOCIATION OF EQUIPMENT MANUFACTURERS PAC	8/7/18	\$1,000.00	G2018
CAPELLA EDUCATION COMPANY PAC	8/7/18	\$1,400.00	P2018
CAPELLA EDUCATION COMPANY PAC	8/7/18	\$2,600.00	G2018
Conlin, Jan M	8/7/18	\$1,300.00	G2018
Conlin, Jan M	8/7/18	\$1,700.00	P2018
Cutler, Kenneth Lance	8/7/18	\$2,700.00	P2018
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INGRAM BARGE COMPANY POLITICAL ACTION COMMITTEE	8/7/18	\$1,000.00	G2018
NATIONAL MULTIFAMILY HOUSING COUNCIL POLITICAL			
ACTION COMMITTEE	8/7/18	\$1,000.00	G2018
Saario, Terry T	8/7/18	\$1,000.00	P2018
STARKEY PAC	8/7/18	\$1,000.00	P2018
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY			
FEDERAL POLITICAL ACTION COMMITTEE .	8/7/18	\$1,000.00	P2018
TCF PAC	8/7/18	\$2,000.00	P2018
UNITED MINE WORKERS OF AMERICA - COAL MINERS			
POLITICAL ACTION COMMITTEE	8/7/18	\$1,000.00	P2018
Waldron, Robert Francis	8/7/18	\$2,700.00	
Wells, John		\$2,700.00	

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received after the 20th day but more than 48 hours before an election. These notifications (also called 48-Hour Notices) must be filed with the Secretary of the Senate within 48 hours of the committee's receipt of the contribution(s).
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) 48-Hour Notice filed by Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as Treasurer, and received on August 23, 2018.
 - b) Form 99 (Miscellaneous Electronic Submission) filed by Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as Treasurer, and received on January 7, 2019.
 - c) Form 99 (Miscellaneous Text Submission) filed by Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as Treasurer, and received on January 29, 2019.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 10th day of July, 2019.

Rhiannon Wagruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

Federal Election Commission

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SECRETARY OF THE SENATE PUBLIC RECORDS

FAX COVER SHEET

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TO ·	Secretary of the Senate, Office of Public Records
COMPANY	
FAX NUMBER	12022241851
FROM	RebeccaGroen
DATE	2018-08-08 18:58:07 GMT
RE	48 Hour Notice

COVER MESSAGE

Attached please find the 48 hour notice form for Klobuchar for Minnesota, FEC ID C00431353

WWW.EPAX.COM

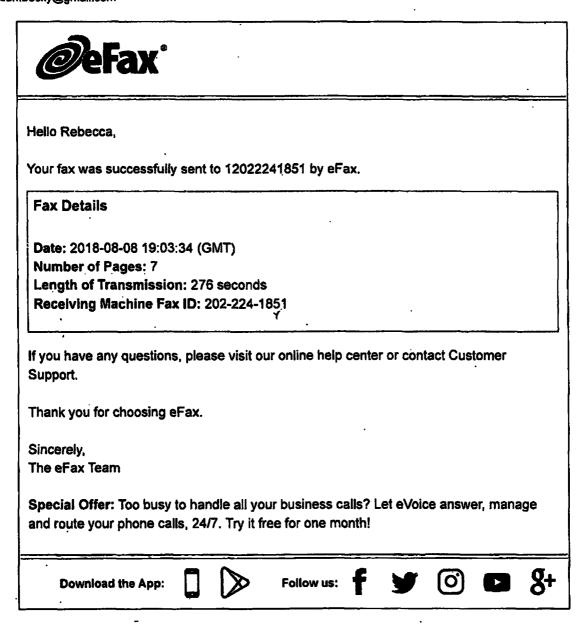


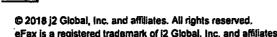
SECRE Rebecca Groen sgroen.beck

Successful transmission to 12022241851. Re: 48 Hour Notice

send@mail.efax.com <send@mail.efax.com> To: groen.becky@gmail.com

Wed, Aug 8, 2018 at 2:03 PM





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efax: (((eVoice) 🖾 FuseMail' 🍪 campaigner' 🍱 KeepitSafe: 🄞 onebox'

MISCELLANEOUS TEXT (FEC Form 99)

NAME OF COMMITTEE (In Full) Klobuchar for Minnesota

FEC IDENTIFICATION NUMBER C00431353

Mailing Address PO Box 4146

City Saint Paul State ZIP Code MN 55104

To whom it may concern,

This letter is in response to the Commission's request for additional information regarding Klobuchar for Minnesota's October quarterly report.

Pursuant to the previous requirement that Senate committees file disclosure reports with the Secretary of the Senate, the Committee submitted a 48 hour notice report on August 8th to the Secretary of the Senate via fax, which included all of the donations cited in the Commission's letter. The Committee received a confirmation of the fax transmittal from eFax on August 8, 2018 (attached to the August 8 report), and has no reason to believe the fax was not delivered on that date. The Committee later discovered that the report had not been posted to the FEC's public site, and contacted the Secretary of the Senate with concerns that the report may have been misplaced. Following communications with the Secretary of the Senate, the 48-hour reports originally filed with the Senate on August 8, 2018 appeared on the Commission's website on August 23, 2018.

The Committee will submit separately copies of the original filing, as well as confirmation of the fax transmission on August 8th.

Thank you for your assistance in resolving this matter.

Sincerely, Rebecca Groen

RECEIVED FEC MAIL CENTER 2019 FEB -4 PM 12: 08

Vicki Davis Reports Analysis Division Federal Election Commission 1050 1st Street NE Washington, DC 20463

Dear Ms Davis,

This is in response to the Commission's request for additional information regarding Klobuchar for Minnesota's October Quarterly report. On January 7th, the committee submitted a response to the FEC via electronic filing. In addition, I wanted to provide copies of the original 48 hour notice, as well as the email from the Efax delivery service, confirming delivery of the original report on August 8th.

Thank you again for your assistance in resolving this matter.

Sincerely,

Rebecca Groen

PAGE 1/1

MISCELLANEOUS TEXT (FEC Form 99)

NAME OF COMMITTEE (In Full)
Klobuchar for Minnesota

FEC IDENTIFICATION NUMBER C00431353

Mailing Address PO Box 4146

State ZIP Code MN 55104 FEC MAIL CENTER

2019 FEB -4 PM 12: 08

To whom it may concern,

City

Saint Paul

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Sincerely, Rebecca Groen

FAX COVER SHEET

то	Secretary of the Senate, Office of Public Records
COMPANY	
FAX NUMBER	12022241851
FROM	RebeccaGroen
DATE	2018-08-08 18:58:07 GMT
RE	48 Hour Notice

COVER MESSAGE

Attached please find the 48 hour notice form for Klobuchar for Minnesota, FEC ID C00431353

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FEC FORM 6



Rebecca Groen <groen.becky@gmail.com>

Successful transmission to 12022241851. Re: 48 Hour Notice

send@mail.efax.com <send@mail.efax.com> To: groen.becky@gmail.com

Wed, Aug 8, 2018 at 2:03 PM



Hello Rebecca,

Your fax was successfully sent to 12022241851 by eFax.

Fax Details

Date: 2018-08-08 19:03:34 (GMT)

Number of Pages: 7

Length of Transmission: 276 seconds Receiving Machine Fax ID: 202-224-1851

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Thank you for choosing eFax.

Sincerely,

The eFax Team

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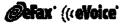




















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July 10, 2019

Kate Sawyer Keane PerkinsCoie 700 13th Street, NW Suite 600 Washington, DC 20005-3960

Klobuchar for Minnesota C00431353 AF#: 3618

Dear Counsel:

On April 4, 2019, the Commission found reason to believe ("RTB") that Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file a 48-Hour Notice for 26 contributions totaling \$47,700 and made a preliminary determination that the civil money penalty was \$5,208 based on the schedule of penalties at 11 C.F.R. § 111.44.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



2019 JUL 24 AM 9: 03

July 24, 2019

MEMORANDUM

SENSITIVE

To:

The Commission

Through:

Alec Palmer At by MAH

Staff Director

From:

Patricia C. Orrock *PCO*Chief Compliance Officer

Rhiannon Magruder *PM*Reviewing Officer

Office of Administrative Review

Subject:

Final Determination Recommendation in AF# 3618 – Klobuchar for Minnesota

and M. Brigid McDonough, in her official capacity as Treasurer (C00431353)

On April 4, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for 26 contributions totaling \$47,700 and made a preliminary determination that the civil money penalty was \$5,208 based on the schedule of penalties at 11 C.F.R. § 111.44.

On May 14, 2019, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated July 10, 2019 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). To date, a response has not been received.

. OAR Recommendations

- 1. Terminate the proceedings in AF# 3618 that Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
- 2. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	AF 3618
Final Determination Recommendation:)	
Klobuchar for Minnesota and M. Brigid)	
McDonough, in her official capacity as)	
Treasurer (C00431353))	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 05, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3618:

- 1. Terminate the proceedings in AF# 3618 that Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file.
- 2. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

0 | 9 Date

Laura E. Sinram

Acting Secretary and Clerk of the

Commission

August 12, 2019

Kate Sawyer Keane PerkinsCoie 700 13th Street, NW Suite 600 Washington, DC 20005-3960

Klobuchar for Minnesota C00431353 AF#: 3618

Dear Counsel:

On April 4, 2019, the Commission found reason to believe ("RTB") that Klobuchar for Minnesota and M. Brigid McDonough, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file a 48-Hour Notice for 26 contribution totaling \$47,700. By letter dated April 4, 2019, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,208 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On May 14, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file. The Reviewing Officer Recommendation was sent to you on July 10, 2019.

On August 5, 2019, the Commission adopted the Reviewing Officer's recommendation, and voted to terminate the proceedings with respect to 52 U.S.C. § 30104(a) and close the file. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Ellen L. Weintrand

Ellen L. Weintraub Chair

THIS IS THE **END** OF ADMINISTRATIVE FINE CASE # 3618